

Appl. No. 10/759,249  
Resp. dated Sept. 7, 2010

Reply to 6<sup>th</sup> FOA of Mar. 4, 2010

### **REMARKS**

The March 4, 2010 Office Action (i) withdrew the previous rejections under §§102, 103 in view of Lansio et al., and (ii) finally rejected all claims pending, 1-5 and 7-11, under §103 in view of newly cited references Sheymov and Arnold et al. The present Response provides arguments in favor of patenting over the cited references. Applicant respectfully requests consideration of the enclosed remarks and issuance of a timely notice of allowance.

#### **MPEP §707.02- "Special" application**

Pursuant to MPEP §707.02, the supervisory patent examiners are expected to personally check on the pendency of every application which is up for the **3rd or subsequent** Action with a view to finally concluding its prosecution. Any application that has been pending **5 years** should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result the application is to be considered "special" by the examiner.

Applicant respectfully reminds the Examiner that this is the **6<sup>th</sup> Action** and the application has been pending for **well over 5 years**. Thus, Applicant requests that the application be considered "special" per the MPEP.

Additionally, Applicant wishes to note that the corresponding European Patent Application has been granted as European Patent No. 1439683A2 on July 4, 2007, and the Canadian Patent Application was recently allowed (final fees due Feb. 13, 2011).

### **In the Claims**

#### **Claim Rejections**

All claims stand finally rejected under 35 U.S.C. §§103 as being unpatentable over Sheymov, U.S. Patent No. 6,981,146, in view of Arnold et al., U. S. Patent No. 6,167,449. For the following reasons, Applicant respectfully traverses these rejections.

#### **Sheymov Reference**

In general, Sheymov discloses a computer intrusion protection system to prevent potential attackers from obtaining secure information. A remote user's computer 12 is connected to a protected computer 14 by a router or bridge 16. A management system 18 periodically changes the address for the computer 14 by

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providing a new address from a cyber address book 20 which stores a plurality of cyber addresses. Each new cyber address is provided *by the management system 18 to the router 16 to a user computer address book 22*. The address book 22 contains both the alphabetic destination address for the computer 14 and the variable numeric cyber address. When the user wants to transmit information with the alphabetic address from computer 12 to computer 14, the alphabetic address of computer 14 is automatically substituted for the current numerical cyber address and used in the packet. (Sheymov column 5 lines 17-33). In other words, the substituted address is for protected computer 14 not the user computer 12. Further, the substituted cyber addresses are provided by the management system to the computer address book 22.

In contrast to Sheymov, Applicant discloses and claims that an Internet Appliance receives the request message, detects the substitutable variable name in the message, matches the variable name with a value representation so *its own local information*, and replaces the variable name with the matched value. The replaced value is "an actual real value to identify the Appliance." In Sheymov, the replaced address is to identify the protected computer 14 from intrusion. Sheymov does not teach, suggest or disclose replacing a variable with 'an actual real value to identify the Internet Applicant' because the replaced address is for a destination computer and not the computer receiving the request message. Furthermore, using "an actual real value" would defy the very purpose of Sheymov, i.e., to periodically change the computer 14 address to prevent cyber intrusion.

#### Arnold Reference

The Examiner admits Sheymov fails to disclose each and every element of Applicant's claims and cites Arnold to fill in the deficiencies. In addition, the Examiner states it would have been an obvious "to permit users of Sheymov's system to send request messages to servers to receive services" as disclosed by Arnold. Applicant respectfully disagrees.

In general, Arnold discloses a software interface that allow applications to find services *without having to specify the exact location of a provider and without being*

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*configured with the network protocol used by the provider of the services.* (Arnold Summary of Invention; column 2 lines 20-26). Permitting users to access or find services without having to specify the location is precisely what Sheymov is attempting to stop. Sheymov attempts to stop the random guessing of cyber coordinates (location) by inserting a limited number of log-on attempts. The "exact" cyber location is *required* by Sheymov to transmit from the user computer to the protected computer. There is no "browsing" for network services permitted, contemplated or disclosed in Sheymov as is preferred by Arnold (see e.g., Arnold Abstract).

Accordingly, Applicant submits that the combination of Sheymov and Arnold is non-obvious and in fact the two disclosures teach away from each other. Furthermore, even if the combination were feasible, as suggested by the Examiner, Applicant's claimed invention would not result.

### CONCLUSION

In view of the foregoing, Applicant respectfully requests withdrawal of the Section 103 rejections. Should the Examiner wish to discuss any of the above in greater detail or deem that amendments should be made to improve the application, then the Examiner is invited to contact the undersigned at the Examiner's convenience. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
Mitel Networks Corporation

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By: Michelle R. Whittington, Esq.

Michelle R. Whittington, Esq.  
Corporate IP Counsel  
Reg. No. 43,844

**MITEL NETWORKS CORPORATION**  
7300 W. Boston St.  
Chandler, AZ 85226  
Direct: (480) 961-9000 x21352  
Facsimile: (480) 961-8073  
Email: michelle\_whittington@mitel.com